

Application Number: 09/646,013
Attorney Docket Number: 08059.0005

REMARKS

By this Amendment After Final, Applicant proposes to amend claims 1, 2, and 4 and cancel claims 3, 27, and 28. Accordingly, claims 1, 2, 4, and 6-26 will be pending if the Examiner enters this Amendment After Final.

The Examiner indicated that claims 2, 3, 4/2, 4/3, and 9 contain allowable subject matter. See Office Action, Page 3. Applicant appreciates the Examiner's indication of allowable subject matter.

Applicant proposes to incorporate the subject matter of dependent claim 3 into independent claim 1 while, at the same time, deleting the recitation "so that the rocks are crushed in a space between the rotor and the crushing chamber housing." Similarly, Applicant proposes to rewrite the dependent claim 2 in independent form while, at the same time, deleting the recitation "so that the rocks are crushed in a space between the rotor and the crushing chamber housing." Finally, Applicant proposes to amend claim 4 so that its dependency reflects the proposed cancellation of claim 3. In light of the Examiner's indication that claims 2 and 3 contain allowable subject matter, Applicant respectfully submits that these amendments place the application in condition for allowance.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1, 2, 4, and 6-26 in condition for allowance. Applicant submits that the proposed amendments of claims 1, 2, and 4 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier

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claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: February 27, 2004

By: 

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